

New York State Office Of General Services
Procurement Services Group
Corning Tower Building
Empire State Plaza
Albany, New York 12242
<http://www.ogs.state.ny.us>

PURCHASING MEMORANDUM

CONTRACT AWARD NOTIFICATION UPDATE

AWARD NUMBER: [02118-E*](#)

DATE: May 25, 2004

GROUP: 25203 - Domestic and Commercial
Washers & Dryers - "Energy Star"
Compliant, "ADA"

PLEASE ADDRESS INQUIRIES TO:

STATE AGENCIES & CONTRACTORS

James R. Essman
Purchasing Officer 1
(518) 402-5069
james.essman@ogs.state.ny.us

CONTRACT PERIOD: July 1, 2002 to
July 31, 2004

OTHER AUTHORIZED USERS

Customer Services
(518) 474-6717
customer.services@ogs.state.ny.us

CONTRACTORS/ Home Depot/PC59519
CONTRACT NOS.: Statewide Machinery/PC59520
Whirlpool Corporation/PC59521

SUBJECT: Short Term Extension of Contract (one month)

TO ALL STATE AGENCIES AND OTHERS AUTHORIZED TO USE STATE CONTRACTS:

The contract has been extended for a period of one month through July 31, 2004.

All other terms and conditions of the contract will remain the same.

Please adjust your records accordingly.

New York State Office Of General Services
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Albany, New York 12242
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PURCHASING MEMORANDUM

CONTRACT AWARD NOTIFICATION UPDATE

AWARD NUMBER: [02118-E*](#)

DATE: November 3, 2003

GROUP: 25203 - Domestic and Commercial
Washers & Dryers - "Energy Star"
Compliant, "ADA"

PLEASE ADDRESS INQUIRIES TO:

STATE AGENCIES & CONTRACTORS

James R. Essman
Purchasing Officer 1
(518) 402-5069
james.essman@ogs.state.ny.us

CONTRACT PERIOD: July 1, 2002 to
June 30, 2004

OTHER AUTHORIZED USERS

Customer Services
(518) 474-6717
customer.services@ogs.state.ny.us

CONTRACTOR/ Home Depot
CONTRACT NO.: PC59519

SUBJECT: New Home Depot Customer Contact.

TO ALL STATE AGENCIES AND OTHERS AUTHORIZED TO USE STATE CONTRACTS:

The new customer contact person for Home Depot is:

Mike Mitsopoulos
Pro Sales Manager
2500 Cambridge Road
Schenectady, NY 12304

Pro Desk phone: 518-388-1428
Cell phone: 607-434-9749
Pager: 800-946-3376 pin #4666112
Fax: 518-388-1429
E-mail: mikemitshd@aol.com

All other terms and conditions of the contract will remain the same.

New York State Office Of General Services
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Corning Tower Building
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Albany, New York 12242
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PURCHASING MEMORANDUM

CONTRACT AWARD NOTIFICATION UPDATE

AWARD NUMBER: [02118-E*](#)

DATE: July 10, 2003

GROUP: 25203 - Domestic and Commercial
Washers & Dryers - "Energy Star"
Compliant, "ADA"

PLEASE ADDRESS INQUIRIES TO:

STATE AGENCIES & CONTRACTORS

James R. Essman
Purchasing Officer 1
(518) 402-5069
james.essman@ogs.state.ny.us

CONTRACT PERIOD: July 1, 2002 to
June 30, 2004

OTHER AUTHORIZED USERS

Customer Services
(518) 474-6717
customer.services@ogs.state.ny.us

CONTRACTOR/ Home Depot
CONTRACT NO.: PC59519

SUBJECT: Home Depot Product Substitutions.

TO ALL STATE AGENCIES AND OTHERS AUTHORIZED TO USE STATE CONTRACTS:

Updated models will be substituted for Item No. 3 and 4.

Features	New Item No. 3	New Item No. 4
Type	Automatic "Energy Star" Multi-speed Washer	Automatic "Energy Star" Multi-speed Washer
Brand	Maytag	Maytag
Loading	Top	Front
Model No.	SAV515DAWW	MAH55FLBWW
Price	\$620.00	\$830.00
Capacity	3.2 cu.ft.	3.2 cu. ft.
Drum	Stainless Steel	Stainless Steel
Color	White	White
Delivery	20 Days A/R/O	20 Days A/R/O
Manufacturer's Standard Warranty	Parts - <u>2 years</u> Labor - <u>1 year</u>	Parts - <u>2 years</u> Labor - <u>1 year</u>
Additional Warranty	Transmition and Exterior Cabinet - <u>10 years.</u> Motor and Solid State Control Parts - <u>5 years.</u>	Free parts on Replacement of Stainless Steel Basket - <u>Lifetime.</u> Free Replacement of Washer Motor and Cabinet Rust-through - <u>10 years parts.</u> Free Replacement of LCD and LED Controls - <u>5 years parts.</u>

All other terms and conditions of the contract will remain the same.

New York State Office Of General Services
Procurement Services Group
Corning Tower Building
Empire State Plaza
Albany, New York 12242
<http://www.ogs.state.ny.us>

PURCHASING MEMORANDUM

CONTRACT AWARD NOTIFICATION UPDATE

AWARD NUMBER: [02118-E*](#)

DATE: October 3, 2002

GROUP: 25203 - Domestic and Commercial
Washers & Dryers - "Energy Star"
Compliant, "ADA"

PLEASE ADDRESS INQUIRIES TO:
STATE AGENCIES & CONTRACTORS

James R. Essman
Purchasing Officer I
(518) 402-5069
james.essman@ogs.state.ny.us

CONTRACT PERIOD: July 1, 2002 to
June 30, 2004

OTHER AUTHORIZED USERS

Customer Services
(518) 474-6717
customer.services@ogs.state.ny.us

CONTRACTOR(S)/ Home Depot/PC59519
CONTRACT NO.(S): Statewide Machinery, Inc./PC59520
Whirlpool Corporation/PC59521

SUBJECT: Home Depot Guaranteed Delivery.

TO ALL STATE AGENCIES AND OTHERS AUTHORIZED TO USE STATE CONTRACTS:

The number of days for guaranteed delivery for all items contracted with Home Depot will now be 20 days A/R/O.

All other terms and conditions will remain the same.

New York State Office Of General Services
Procurement Services Group
Corning Tower Building
Empire State Plaza
Albany, New York 12242
<http://www.ogs.state.ny.us>

PURCHASING MEMORANDUM

CONTRACT AWARD NOTIFICATION UPDATE

AWARD NUMBER: 02118-E*

DATE: July 18, 2002

GROUP: 25203 - Domestic and Commercial
Washers & Dryers - "Energy Star"
Compliant, "ADA"

PLEASE ADDRESS INQUIRIES TO:
STATE AGENCIES & CONTRACTORS

James R. Essman
Purchasing Officer I
(518) 402-5069
james.essman@ogs.state.ny.us

CONTRACT PERIOD: July 1, 2002 to
June 30, 2004

OTHER AUTHORIZED USERS

Customer Services
(518) 474-6717
customer.services@ogs.state.ny.us

CONTRACTOR(S)/ Home Depot/PC59519
CONTRACT NO.(S): Statewide Machinery, Inc./PC59520
Whirlpool Corporation/PC59521

SUBJECT: Whirlpool Model Number changes.

TO ALL STATE AGENCIES AND OTHERS AUTHORIZED TO USE STATE CONTRACTS:

The model numbers for the Whirlpool Domestic dryers, Item No. 5, LGR5636KQ, and Item No. 6, LER5636KQ will transition to reflect the year 2003 indicators. The new model number for Item 5 will be LGR5636LQ. The new model number for Item 6 will be LER5636LQ.

All other terms and conditions will remain the same.

State of New York Executive Department
Office Of General Services
Procurement Services Group
Corning Tower Building - 38th Floor
Empire State Plaza
Albany, New York 12242
<http://www.ogs.state.ny.us>

CONTRACT AWARD NOTIFICATION

Title	:	Group 25203 - DOMESTIC AND COMMERCIAL WASHERS & DRYERS - "ENERGY STAR" COMPLIANT, "ADA" Classification Code(s): 52
Award Number	:	02118-E* (Replaces Award 4372-G/E*)
Contract Period	:	July 1, 2002 to June 30, 2004
Bid Opening Date	:	April 11, 2002
Date of Issue	:	July 1, 2002
Specification Reference	:	As Incorporated In The Invitation For Bids
Contractor Information	:	Appears on Page 2 of this Award

Address Inquiries To:

State Agencies & Vendors	Political Subdivisions & Others
Name : James R. Essman Title : Purchasing Officer I Phone : 518-402-5069 Fax : 518-473-7974 E-mail : james.essman@ogs.state.ny.us	Customer Services Phone : 518-474-6717 Fax : 518-474-2437 E-mail : customer.services@ogs.state.ny.us

**The Procurement Services Group values your input.
Complete and return "Contract Performance Report" at end of document.**

Description

This award is for domestic and commercial washers and dryers which includes "ENERGY STAR" and "ADA" models. {NOTE: There another award for large capacity commercial washers and dryers under commodity group 36501.}

PR # 02118-T

(continued)

NOTE: See individual contract items to determine actual awardees.

<u>CONTRACT #</u>	<u>CONTRACTOR & ADDRESS</u>	<u>TELEPHONE #</u>	<u>FED.IDENT.#</u>
PC59519	HOME DEPOT 2065 Niagara Falls Blvd. Amherst, NY 14228	716-639-9600 Brian Dickinson Fax No. 716-639-2417 E-mail: HD1233@briandickinson.com Web: www.homedepot.com	581853319
PC59520 SB	STATEWIDE MACHINERY, INC. 60 Pixley Industrial Pkwy. Rochester, NY 14624	800-527-2219 585-426-4870 Mark A. De mbs Fax No. 585-426-0317 Web: www.statewidemachinery.com	160779672
PC59521	WHIRLPOOL CORPORATION 412 North Peters Rd. Knoxville, TN 37922 NOTE: Electronic access ordering is available. Contact Whirlpool Corporation for details.	800-634-9621 x5 Barbara Smith Fax No. 800-670-9854	381490038

Cash Discount, If Shown, Should be Given Special Attention.

**INVOICES MUST BE SENT DIRECTLY TO THE ORDERING AGENCY FOR PAYMENT.
(See "Contract Payments" and "Electronic Payments" in this document.)**

AGENCIES SHOULD NOTIFY THE PROCUREMENT SERVICES GROUP PROMPTLY IF THE CONTRACTOR FAILS TO MEET DELIVERY OR OTHER TERMS OF THIS CONTRACT. PRODUCTS OR SERVICES WHICH DO NOT COMPLY WITH THE SPECIFICATIONS OR ARE OTHERWISE UNSATISFACTORY TO THE AGENCY SHOULD ALSO BE REPORTED TO THE PROCUREMENT SERVICES GROUP.

SMALL, MINORITY AND WOMEN-OWNED BUSINESSES:

The letters SB listed under the Contract Number indicate the contractor is a NYS small business. Additionally, the letters MBE and WBE indicate the contractor is a Minority-owned Business Enterprise and/or Woman-owned Business Enterprise.

RECYCLED, REMANUFACTURED AND ENERGY EFFICIENT PRODUCTS:

The Procurement Services Group supports and encourages the purchase of recycled, remanufactured, energy efficient and "energy star" products. If one of the following codes appears as a suffix in the Award Number or is noted under the individual Contract Number(s) in this Contract Award Notification, please look at the individual awarded items for more information on products meeting the suffix description.

RS,RP,RA	Recycled
RM	Remanufactured
SW	Solid Waste Impact
EE	Energy Efficient
E*	EPA Energy Star
ES	Environmentally Sensitive

(continued)

NOTE TO ALL CONTRACT USERS:

The terms and conditions of this award appear at the end of this document. We strongly advise all contract users to familiarize themselves with all terms and conditions before issuing a purchase order.

PRICE: Price is net, F.O.B. destination any point in New York State as designated by the ordering agency and includes:

- US Dollars, etc.
- residential delivery to community residences and other locations
- unloading
- Basement and first floor delivery

Upon mutual agreement, delivery locations may be expanded per the "Extension of Use" clause.

LOT I - "ENERGY STAR" CERTIFIED TOP AND FRONT LOADING WASHERS (Items 1-4)

<u>Item No.</u>	<u>Description</u>	<u>Price Each</u>	<u>Brand/Stock Number</u>
1.	<u>2.60 to 2.99 cu. ft., AUTOMATIC WASHER</u> "Energy Star", top-loading, multi-speed, white in color.	NO AWARD - CONSIDER ITEM 3	
2.	<u>2.60 to 2.99 cu. ft., AUTOMATIC WASHER</u> "Energy Star", front-loading, multi-speed, white in color.	NO AWARD - CONSIDER ITEM 4	
3.	<u>3.20 cu. ft., AUTOMATIC WASHER</u> "Energy Star", top-loading, multi-speed, white in color. (Additional Item Specifications are located on "Data Sheet" pages.) Guaranteed Delivery: 7-14 Days A/R/O Manufacturer's Standard Warranty: Parts - <u>2 Years</u> ; Labor - <u>1 Year</u> Additional Warranty: <u>10 Years</u> on transmission and exterior cabinet. <u>5 Years</u> on motor & solid state control parts.	\$620.00	Maytag MAV 9600 EWW

CONTRACTOR, ITEM 3: HOME DEPOT

4.	<u>3.20 cu. ft., AUTOMATIC WASHER</u> "Energy Star", front-loading, multi-speed, white in color (Additional Item Specifications are located on "Data Sheet" pages.) Guaranteed Delivery: 7-14 Days A/R/O Manufacturer's Standard Warranty: Parts - <u>2 Years</u> ; Labor - <u>1 Year</u> Additional Warranty: <u>Lifetime</u> - free parts on replacement of stainless steel wash basket. <u>10 Years parts</u> - free replacement of washer motor & cabinet rust - through <u>5 Years parts</u> - free replacement of LCD & LED controls.	\$830.00	Maytag MAH 5500 BWW
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CONTRACTOR, ITEM 4: HOME DEPOT

(continued)

LOT II - GAS AND ELECTRIC DRYERS (Items 5-8)

<u>Item No.</u>	<u>Description</u>	<u>Price Each</u>	<u>Brand/Stock Number</u>
5.	<u>6.50 cu. ft., DOMESTIC GAS DRYER</u> White in color. (Additional Item Specifications are located on "Data Sheet" pages.) Guaranteed Delivery: 7-10 Days A/R/O Manufacturer's standard warranty: Parts - <u>1 Year</u> ; Labor - <u>1 Year</u> Additional Warranty: <u>5 Years</u> , Parts Only, on Porcelain Top LP Conversion kit is available at <u>no</u> additional charge. CONTRACTOR, ITEM 5: WHIRLPOOL CORPORATION	\$308.00	Whirlpool LGR 5636 KQ
6.	<u>6.50 cu. ft., DOMESTIC ELECTRIC DRYER</u> White in color with power cord and cap. (Additional Item Specifications are located on "Data Sheet" pages.) Guaranteed Delivery: 7-10 Days A/R/O Manufacturer's Standard Warranty: Parts - <u>1 Year</u> ; Labor - <u>1 Year</u> Additional Warranty: <u>5 Years</u> , Parts Only, on Porcelain Top CONTRACTOR, ITEM 6: WHIRLPOOL CORPORATION	\$270.00	Whirlpool LER 5636 KQ 3 prong PT300 4 prong PT400
7.	<u>6.51 to 7.50 cu. ft., DOMESTIC GAS DRYER</u> White in color.	NO AWARD - CONSIDER ITEMS 5 & 11	
8.	<u>6.51 to 7.50 cu. ft., DOMESTIC ELECTRIC DRYER</u> White in color with power cord and cap.	NO AWARD - CONSIDER ITEMS 6 & 12	

(continued)

DATA SHEET

PARAMETER/ITEM	ITEM 1	ITEM 2	ITEM 3	ITEM 4
Vendor	NO AWARD	NO AWARD	Home Depot	Home Depot
Manufacturer	----	----	Maytag	Maytag
Model Number	----	----	MAV 9600 EWW	MAH 5500 BWB
Color	----	----	White	White
Top or Front Loading Unit	----	----	Top	Front
Capacity (cu. ft.)	----	----	3.20 cu. ft.	3.20 cu. ft.
Modified Energy Factor (MEF) for the Washer**	----	----	1.30	1.64
Number of Wash/Spin Speed Combinations	----	----	5	Infinite
Number of Wash/Rinse Temperature Combinations	----	----	6	6
Number of Wash Cycles	----	----	5	5
Motor Size (horsepower)	----	----	1/2 hp	1/2 hp
Is the Item Offered "Energy Star" Certified?	----	----	Yes	Yes
Does the Item Comply with the "ADA" Wheelchair Accessibility Criteria?	----	----	No	No
Does the Item have a Water Level Adjustment Feature?	----	----	Yes	Yes
Is the Interior Drum Stainless Steel?	----	----	Yes	Yes
Is the Lint Filter Self Cleaning?	----	----	Yes	Yes
Does the Item come Supplied with Water Fill Hoses and Connectors?	----	----	Yes	Yes
Does the Item come Supplied with a Drain Hose?	----	----	Yes	Yes
Does the Item come Supplied with a Power Cord?	----	----	Yes	Yes
Does the Item have a Door Interlock System?	----	----	Yes ***	Yes ###
Does the Item have an Off Balance Load Protection Device?	----	----	Yes	Yes

** - The Modified Energy Factor (MEF) is a new equation that replaced Energy Factor as a way to compare the relative efficiency of different clothes washers. MEF takes into account the amount of dryer energy used to remove the remaining moisture content in washed items. For more information about this calculation, please see the August 27, 1997 Federal Register entry regarding 10 CFR Part 430., or see the "Energy Star" web site at "www.energystar.gov"

*** - Maytag model # MAV 9600 EWW has a system that will shut off the motor stopping the inner wash basket whenever the washer door lid is lifted.

- Maytag model # MAH 5500 BWB has a system that will shut off the motor stopping the inner wash basket whenever the washer door lid is lifted.

(continued)

DATA SHEET

PARAMETER/ITEM	ITEM 5	ITEM 6	ITEM 7	ITEM 8
Vendor	Whirlpool Corporation	Whirlpool Corporation	NO AWARD	NO AWARD
Manufacturer	Whirlpool	Whirlpool	----	----
Model Number	LGR 5636 KQ	LER 5636 KQ	----	----
Color	White	White	----	----
Capacity (cu. ft.)	6.50 cu. ft.	6.50 cu. ft.	----	----
Number of Temperature Settings	3	3	----	----
Type of Interior Drum	Durawhite	Durawhite	----	----
Number of Drying Cycles	5	5	----	----
Motor Size (horsepower)	1/3 hp	1/3 hp	----	----
Does the Item Comply with the "ADA" Wheelchair Accessibility Criteria ?	No	No	----	----
Does the Item have an Interior Light?	No	No	----	----
Does the Item have a Lint Filter?	Yes	Yes	----	----
Does the Item have an Interior Drying Rack?	No	No	----	----
Does the Item have an Automatic Moisture Level Monitoring System?	No	No	----	----
Does the Item have a High Temperature Shut-Off?	Yes	Yes	----	----
Does the Item have an Automatic Shutdown if Drum Rotation or Blower Fails to Operate?	Yes **	Yes ***	----	----
Does the Item Come with an Exhaust Vent Tube Along with the Appropriate Clamps and or Connectors?	No	No	----	----
Does the Item come Supplied with a Power Cord?	Yes	Yes	----	----

** - Whirlpool model # LGR 5636 KQ has a hi-limit thermostat on the heater box and is also equipped with 2 thermal sensors on the blower housing that will shutdown the unit if the drum rotation or blower fails to operate.

*** - Whirlpool model # LER 5636 KQ has a hi-limit thermostat on the heater box and is also equipped with 2 thermal sensors on the blower housing that will shutdown the unit if the drum rotation or blower fails to operate.

(continued)

DATA SHEET

PARAMETER/ITEM	ITEM 9	ITEM 10
Vendor	Statewide Machinery, Inc.	Statewide Machinery, Inc.
Manufacturer	Speed Queen	Speed Queen
Model Number	LWS 04	FTS 80
Color	White	White
Top or Front Loading Unit	Top	Front
Capacity (cu. ft.)	3.26 cu. ft.	2.84 cu. ft.
Modified Energy Factor (MEF) **	1.28	1.85
Number of Wash/Spin Speed Combinations	1	3
Number of Wash/Rinse Temperature Combinations	3	4
Number of Wash Cycles	7	3
Motor Size (horsepower)	1/2 hp	3/4 hp
Is the Item "Energy Star" Certified?	Yes	Yes
Does the Item Comply with the "ADA" Wheelchair Accessibility Criteria?	No	Yes
Is the Item a Soft-Mounted Unit?	Yes	Yes
Is the Item Heavy Duty in Design?	Yes	Yes
Does the Item have a Water Level Adjustment Feature?	Yes	Yes
Is the Interior Drum Stainless Steel?	Yes	Yes
Is the Lint Filter Self Cleaning?	No	No
Does the Item come Supplied with Water Fill Hoses and Connectors?	Yes	Yes
Does the Item come Supplied with a Drain Hose?	Yes	Yes
Does the Item come Supplied with a Power Cord?	Yes	Yes
Does the Item have a Door Interlock System?	Yes	Yes
Does the Item have an Off Balance Load Protection Device?	Yes	Yes

** - The Modified Energy Factor (MEF) is a new equation that replaced Energy Factor as a way to compare the relative efficiency of different cloths washers. MEF takes into account the amount of dryer energy used to remove the remaining moisture content in washed items. For more information about this calculation, please see the August 27, 1997 Federal Register entry regarding 10 CFR Part 430., or see the "Energy Star" web site at "www.energystar.gov"

(continued)

DATA SHEET

PARAMETER/ITEM	ITEM 11	ITEM 12
Vendor	Statewide Machinery, Inc.	Statewide Machinery, Inc.
Manufacturer	Speed Queen	Speed Queen
Model Number	FGS 17	FES 17
Color	White	White
Capacity (cu. ft.)	7.00 cu. ft.	7.00 cu. ft.
Number of Temperature Settings	3	3
Type of Interior Drum	Galvanized Steel	Galvanized Steel
Number of Drying Cycles	6	6
Motor Size (horsepower)	1/3 hp	1/3 hp
Does the Item Comply with the "ADA" Wheelchair Accessibility Criteria?	Yes	Yes
Is the Item a Soft-Mounted Unit?	Yes	Yes
Is the Item Heavy Duty in Design?	Yes	Yes
Does the Item have an Interior Light?	No	No
Does the Item have a Lint Filter?	Yes	Yes
Does the Item have an Automatic Moisture Level Monitoring System?	Yes	Yes
Does the Item have a High Temperature Shut-Off?	Yes	Yes
Does the Item have an Automatic Shutdown if Drum Rotation or Blower Fails to Operate?	Yes	Yes
Does the Item Come with an Exhaust Vent Tube Along with the Appropriate Clamps and or Connectors?	No	No
Does the Item come Supplied with a Power Cord?	Yes	Yes

(continued)

REQUEST FOR CHANGE:

Any request by the agency or contractor regarding changes in any part of the contract must be made in writing to the Office of General Services, Procurement Services Group, prior to effectuation.

CONTRACT PAYMENTS:

Payments cannot be processed by State facilities until the contract products have been delivered in satisfactory condition or services have been satisfactorily performed. Payment will be based on any invoice used in the supplier's normal course of business. However, such invoice must contain sufficient data including but not limited to contract number, description of product or service, quantity, unit and price per unit as well as federal identification number.

State facilities are required to forward properly completed vouchers to the Office of the State Comptroller for audit and payment. All facilities are urged to process every completed voucher expeditiously giving particular attention to those involving cash discounts for prompt payment.

If the contract terms indicate political subdivisions and others authorized by law are allowed to participate, those entities are required to make payments directly to the contractor. Prior to processing such payment, the contractor may be required to complete the ordering non-State agency's own voucher form.

See "Contract Billings" in Appendix B, OGS General Specifications.

ELECTRONIC PAYMENTS:

The Office of the State Comptroller (OSC) offers an "electronic payment" option in lieu of issuing checks. Contact OSC to obtain an information packet at 518-474-4032 or e-mail to epunit@osc.state.ny.us or visit their website at www.osc.state.ny.us.

OVERLAPPING CONTRACT ITEMS:

Products available in this contract may also be available from other State contracts. Agencies should select the most cost effective procurement alternative that meets their program requirements and maintain a procurement record documenting the basis for this selection.

NON-STATE AGENCIES PARTICIPATION IN CENTRALIZED CONTRACTS:

New York State political subdivisions and others authorized by New York State law may participate in contracts. These include, but are not limited to local governments, public authorities, public school and fire districts, public and nonprofit libraries, and certain other nonpublic/nonprofit organizations. See "Participation in Centralized Contracts" in Appendix B, OGS General Specifications. For purchase orders issued by the Port Authority of New York and New Jersey (or any other authorized entity that may have delivery locations adjacent to New York State), the terms of the "Price" clause shall be modified to include delivery to locations adjacent to New York State.

Upon request, all eligible non-State agencies must furnish contractors with the proper tax exemption certificates and documentation certifying eligibility to use State contracts. A list of categories of eligible entities is available on the OGS web site (www.ogs.state.ny.us). Click on "For Government-Contracts and Purchasing," then "About Procurement," then "Non-State Agency Legal References." Questions regarding an organization's eligibility to purchase from New York State Contracts may also be directed to OGS Procurement Services Group's Customer Services at 518-474-6717.

EXTENSION OF USE:

This award may be extended to additional States or governmental jurisdictions upon mutual written agreement between New York State (the lead contracting State) and the contractor. Political subdivisions and other authorized entities within each participating State or governmental jurisdiction may also participate in any resultant contract if such State normally allows participation by such entities. New York State reserves the right to negotiate additional discounts based on any increased volume generated by such extensions.

MINIMUM ORDER:

Minimum order is one appliance.

(continued)

DELIVERY:

DELIVERY IS REQUIRED TO BE COMPLETED WITHIN 20 CALENDAR DAYS AFTER RECEIPT OF ORDER.

Delivery is expressed in number of calendar days required to make delivery after receipt of a purchase order.

Delivery shall be made in accordance with instructions on Purchase Order from each agency. If there is a discrepancy between the purchase order and what is listed on the contract, it is the contractor's obligation to seek clarification from the ordering agency and, if applicable, from the Office of General Services, Procurement Services Group and others.

CONTRACT PERIOD AND RENEWALS:

It is the intention of the State to enter into a contract for the term stated on page 1.

Prices are firm for the entire period of the contract. Price escalation or discount reduction will not be allowed and is specifically excluded from the terms and conditions of this contract award. Price decreases or discount increases are permitted at any time.

If mutually agreed between the Procurement Services Group and the contractor, a contract may be renewed under the same terms and conditions for additional period(s) not to exceed a total contract term of five (5) years.

CONTRACT MIGRATION:

State Agencies or any other authorized user holding individual contracts with contractors under this centralized contract shall be able to migrate to this contract award with the same contractor, effective on the contract begin date (retroactively, if applicable). Migration by an agency or any other authorized user to the centralized contract shall not operate to diminish, alter or extinguish any right that the agency or other authorized user otherwise had under the terms and conditions of their original contract.

WARRANTIES:

See "Warranties" and "Year 2000 Warranty" in Appendix B, OGS General Specifications.

Warranty offered must apply to all locations whether commercial or residential on a statewide basis.

Normal wear and tear items shall be warranted in accordance with manufacturer's standard warranty.

At the time of order, product offered must meet all requirements of this award including full commercial/retail availability. Product literature and specifications must also be available.

SHORT TERM EXTENSION:

In the event the replacement contract has not been issued, any contract let and awarded hereunder by the State, may be extended unilaterally by the State for an additional period of up to one month upon notice to the contractor with the same terms and conditions as the original contract including, but not limited to, quantities (prorated for such one month extension), prices, and delivery requirements. With the concurrence of the contractor, the extension may be for a period of up to three months in lieu of one month. However, this extension terminates should the replacement contract be issued in the interim.

(continued)

RESERVATION:

General - The State reserves the right to negotiate lower pricing, or to advertise for bids, any unanticipated excessive purchase. An "unanticipated excessive purchase" is defined as an unexpected order for a contract product(s) totaling more than 25 individual appliances.

ENERGY EFFICIENCY - The State may mandate agencies to purchase an ITEM or a listing within an ITEM and/or discontinue purchasing an ITEM or a listing within an ITEM at any time in accordance with any Executive Order, legislation, etc., in relation to energy efficiency or other matter. Discontinuation of an ITEM or listing would not necessarily result in contract cancellation if another ITEM or listing is covered by the contract.

PURCHASE OF ENERGY EFFICIENT PRODUCTS - EXECUTIVE ORDER 111 AND NEW YORK STATE'S ENERGY LAW:

All State agencies, public benefit corporations, and public authorities whose heads are appointed by the governor shall select "ENERGY STAR" energy efficient products when acquiring new energy-using products or replacing new equipment, in compliance with EXECUTIVE ORDER 111. In addition, new or replacement appliances or products purchased by or for the State or any agency thereof shall meet or exceed standards established by Article 5, Section 5-108-a of New York State's Energy Law. The standards are to take effect for products as follows:

- April 2002 - Fluorescent lamp ballasts, central air conditioners, room air conditioners, package terminal air conditioners, heat pumps.
- October 2002 - Electric motors, refrigerators, refrigerator-freezers, water heaters, lamps, luminaries.
- April 2003 - Dishwashers, clothes washers, clothes dryers, furnaces, boilers, chillers, and possibility other products designated by NYSERDA (New York State Energy Research Development Authority).

Information on energy-efficient equipment standards for state purchasing may be obtained from NYSERDA's web site:

<http://www.nyserdera.org/equipstds.html>

Contract awards with energy efficient products are identified on the OGS Procurement Services web site:

<http://www.ogs.state.ny.us/>

Click on "Contracts & Purchasing".

Click on "Buyer Information".

Click on "Energy & Recycled Contracts"

EMERGENCY PURCHASING:

In the event that a disaster emergency is declared by Executive Order under Section 28 of Article 2-B of the Executive Law, or that the Commissioner determines pursuant to his/her authority under Section 163(10)(b) of the State Finance Law that an emergency exists requiring the prompt and immediate delivery of products or services, the Commissioner reserves the right to obtain such products or services from any source, including but not limited to this contract, as the Commissioner in his/her sole discretion determines will meet the needs of such emergency. Contractor shall not be entitled to any claim or lost profits for products or services procured from other sources pursuant to this paragraph.

(continued)

OVERLAPPING CONTRACT ITEMS:

Products/services available in the resulting contract may also be available from other New York State contracts. Contract users will be advised to select the most cost effective procurement alternative that meets their program requirements and to maintain a procurement record documenting the basis for this selection.

EPA ENERGY STAR PROGRAM:

The Federal EPA, in cooperation with manufacturers, continues a program to foster the manufacture of energy efficient equipment. New York State fully supports this effort and requires all products offered to comply with the latest EPA Energy Star guidelines for energy efficiency at the time of the bid opening. The State may discontinue use of and/or delete from contract selected products as mandated by any NYS energy legislation that is enacted during the term of this contract. The contractor shall have no recourse with the State for such discontinuance/deletion.

INSTRUCTION MANUALS:

Simultaneous with delivery, the contractor(s) shall furnish to the authorized user a complete instruction manual for the product and for each component supplied. The manual shall include complete instructions for unpacking, inspecting, installing, adjusting, aligning, and operating the product, together with layout and interconnection diagrams, schematic and wiring diagrams, preventive and corrective maintenance procedures, and complete parts lists, manufacturer's catalog numbers, and ordering information, if applicable.

REPORT OF CONTRACT PURCHASES:

Contractor shall furnish report of purchases made from contract the fifteenth of the month following the end of each six month period. The reports shall be in the following format:

<u>Item/SubItem Number</u>	<u>Product or Catalog Number</u>	<u>Product/Service Description</u>	<u>Total Quantity Shipped</u>	<u>Total \$ Value</u>

The report is to be submitted to the Office of General Services, Procurement Services Group, Tower Bldg., Empire State Plaza, Albany, NY 12242, to the attention of the individual shown on the front page of the Contract Award Notification and shall reference the Group Number, the Invitation for Bids Number, Contract Number, sales period, and contractor's name.

Additional related sales information, such as monthly reports, and/or detailed user purchases may be required and must be supplied upon request.

Failure to submit the required report may be cause for disqualification of contractor for future contracts.

"OGS OR LESS" GUIDELINES APPLY TO THIS CONTRACT:

Purchases of the products included in this Award are subject to the "OGS or Less" provisions of Section 163.3.a.v., Article XI, of the New York State Finance Law. This means that State agencies can purchase products from sources other than the contractor provided that such products are substantially similar in form, function or utility to the products herein and are:

1. lower in price
-and/or-
2. available under terms which are more economically efficient to the State agency (e.g. delivery terms, warranty terms, etc.).

Agencies are reminded that they must provide the State contractor an opportunity to match the non-contract savings at least two business days prior to purchase. In addition, purchases made under "OGS or Less" flexibility must meet all requirements of law including, but not limited to, advertising in the New York State Contract Reporter, prior approval of the Comptroller's Office and competitive bidding of requirements exceeding the discretionary bid limit. State agencies should refer to Procurement Council Bulletin "OGS or Less Purchases" for complete procedural and reporting requirements.

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**State of New York
Office of General Services
PROCUREMENT SERVICES GROUP
Contract Performance Report**

Please take a moment to let us know how this contract award has measured up to your expectations. If reporting on more than one contractor or product, please make copies as needed. This office will use the information to improve our contract award, where appropriate. **Comments should include those of the product's end user.**

Contract No.: _____ **Contractor:** _____

Describe Product* Provided (Include Item No., if available): _____

***Note:** "Product" is defined as a deliverable under any Bid or Contract, which may include commodities (including printing), services and/or technology. The term "Product" includes Licensed Software.

	Excellent	Good	Acceptable	Unacceptable
• Product meets your needs				
• Product meets contract specifications				
• Pricing				

CONTRACTOR

	Excellent	Good	Acceptable	Unacceptable
• Timeliness of delivery				
• Completeness of order (fill rate)				
• Responsiveness to inquiries				
• Employee courtesy				
• Problem resolution				

Comments: _____

_____ (over)

Agency: _____ **Prepared by:** _____

Address: _____ **Title:** _____

_____ **Date:** _____

_____ **Phone:** _____

_____ **E-mail:** _____

Please detach or photocopy this form & return by FAX to 518/474-2437 or mail to:

OGS PROCUREMENT SERVICES GROUP
Customer Services, Room 3711
Corning 2nd Tower - Empire State Plaza
Albany, New York 12242
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